

# GROUNDS FOR TERMINATION OF PARENTAL RIGHTS

Complete a separate *Grounds for Termination of Parental Rights* form for each child named in the *Petition for Termination of Parental Rights*. Thus, if there are 2 children, then 2 *Grounds for Termination of Parental Rights* forms MUST be completed and attached to the Petition.

NAME OF THE CHILD: \_\_\_\_\_

Indicate the grounds for Termination of Parental Rights (**Place an “X” next to the grounds that apply**).  
**At least one of the boxes numbered 1 through 9 must be checked.**

1. ☐ The parent(s) of the child, or the person(s) or organization holding parental rights over such child, agree (consent) that this Petition should be granted.  
☐ A *Consent to Termination and Transfer of Parental Rights* (Form 140) is attached to the Petition.
2. ☐ Respondent has abandoned the child **AND** intended to abandon the child as evidenced by the fact that (**If you check box 2, you must place an “X” next to at least one of the following that apply**):
  - a. ☐ The child is younger than 6 months old at the time of filing this Petition, Respondent(s) FAILED to:
    - Pay reasonable prenatal, natal and postnatal expenses in accordance with Respondent’s financial means; **AND**
    - Visit regularly with the child; **AND**
    - Manifest (show) an ability and willingness to assume legal and physical custody of the child (if the child was NOT in the physical custody of the other parent).
  - b. ☐ The child is at least 6 months old at the time of filing this Petition **AND** for at least 6 consecutive months (6 months in a row) during the year immediately before filing the Petition, Respondent(s) FAILED to:
    - Communicate or visit regularly with the child; **AND**
    - Manifest (show) the ability and willingness to assume legal and physical custody of the child (if the child was NOT in the physical custody of the other parent).
  - c. ☐ The child is younger than 6 years old at the time of filing this Petition **AND** Respondent has placed the child in circumstances leaving the child in substantial risk of injury or death and, therefore, has manifested (shown) the unwillingness to exercise parental rights and responsibilities.
3. ☐ Respondent has abandoned the child BUT did NOT intend to abandon the child because for 12 consecutive months (12 months in a row) in the 18 months before filing this Petition, Respondent FAILED to:
  - Communicate or visit regularly with the child; **AND**
  - File or pursue a pending Petition to establish paternity or to establish the right to have contact or visitation with the child; **AND**

- Manifest (show) the ability and willingness to assume legal and physical custody of the child (if the child was NOT in the physical custody of the other parent).

**AND** at least one of the below applies (**Place an "X" next to at least one of the following that apply**):

☐ The child is not in the legal and physical custody of the other parent and Respondent is not able or willing promptly to assume legal and physical custody of the child, and to pay for the child's support, in accordance with Respondent's financial means.

☐ The child is in the legal and physical custody of the other parent and a stepparent, and the stepparent is the prospective adoptive parent, and Respondent is not able or willing promptly to establish and maintain contact with the child and to pay for the child's support, in accordance with the Respondent's financial means.

☐ Placing the child in Respondent's legal and physical custody would pose a risk of substantial harm to the physical or psychological well-being of the child. Respondent is unfit to maintain a relationship of "parent and child" with the child because of any of the following reasons:

- i. The circumstances of the child's conception; **OR**
- ii. Respondent's behavior during pregnancy; **OR**
- iii. Respondent's behavior after the child was born; **OR**
- iv. Respondent's behavior with respect to other children.

☐ Failure to grant the Petition for Termination of Parental Rights would be detrimental to the child.

4. ☐ The parent(s) of the child or any person(s) holding parental rights over such child are mentally incompetent and therefore, are unable to discharge parental responsibilities in the foreseeable future. *(The Court will select 2 qualified psychiatrists to form an opinion regarding mental incompetence and inability to discharge parental responsibilities. The Court also will appoint a licensed attorney, as Guardian Ad Litem, to represent the alleged incompetent's interests in the proceeding).*
5. ☐ Respondent has been found by a Court of competent jurisdiction to have (**If you check box 5, you must place an "X" next to at least one of the following that apply**):
- a. ☐ Committed a felony level offense as described in subchapter II of Chapter 5 of Title 11 against the person in which the victim was a child; **OR**
  - b. ☐ Aided or abetted, attempted, conspired or solicited to commit a felony level offense as described in subchapter II of Chapter 5 of Title 11 against the person in which the victim was a child; **OR**
  - c. ☐ Committed or attempted to commit the offense of Dealing in Children as set forth in § 1100A of Title 11; **OR**.
  - d. ☐ Committed the felony level offense of endangering the welfare of a child as set forth in § 1102 of Title 11.

6. ☐ The parent(s) of the child, or any person(s) holding parental rights over the child, are not able or have failed to plan adequately for the child's physical needs or mental and emotional health and development, and 1 or more of the following conditions have been met **(If you check box 6, you must place an "X" next to either "a" or "b".)**:
- a. ☐ If the child is in the care of the Department of Services for Children Youth and Their Families (the "Department") or a licensed agency **(If you check box "a", you must place an "X" next to at least one of the following)**:
- ☐ The child has been in the care of the Department of licensed agency for a period of one year, or if the child has come into care as an infant, a period of 6 months, or there is a history of previous placement(s) of this child; **OR**
  - ☐ There is a history of neglect, abuse, or lack of care of the child or other children by Respondent; **OR**
  - ☐ Respondent is incapable of discharging parental responsibilities due to extended or repeated incarceration; **OR**
  - ☐ Respondent is not able or willing to assume promptly legal and physical custody of the child, and to pay for the child's support, in accordance with Respondent's financial means; **OR**
  - ☐ Failure to grant the Petition for Termination of Parental Rights will result in continued emotional instability or physical risk to the child.
- b. ☐ If the child is in the care of a stepparent, guardian, permanent guardian, or blood relative:
- the child has resided in the home of the stepparent, guardian, permanent guardian or blood relative for a period of at least 1 year, or in the case of an infant, a period of 6 months **AND**
  - Respondent is incapable of discharging parental responsibilities, and there appears to be little likelihood that Respondent will be able to discharge such parental responsibilities in the near future.
7. ☐ Respondent's parental rights over a sibling (brother, sister, half-brother, half-sister) of the child who is the subject of the Petition have been involuntarily terminated in a prior proceeding.
8. ☐ The parent has subjected a child to torture, chronic abuse, sexual abuse, or life-threatening abuse.
9. ☐ A child has suffered unexplained serious physical injury, near death, or death under such circumstances as would indicate that such injuries, near death, or death resulted from the intentional or reckless conduct or willful neglect of the parent.